

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

PETER KINDER,)
MISSOURI LIEUTENANT GOVERNOR, et al.,)
Plaintiffs,)
v.) Case No.: 1:10 CV 101 RWS
TIMOTHY GEITHNER,)
SECRETARY OF TREASURY, et al.,)
Defendants.)

ORDER TO SHOW CAUSE

This case is before me on Plaintiffs' Motion to Compel Defendants Answer [#22].

To serve "a United States agency... or a United States officer...sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency...or officer." Fed.R.Civ.P. 4(i)(2). To satisfy the first requirement to serve the United States a party must either (1) "delivery a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk or (2) "send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office." See Fed. R. Civ. P. 4(i)(1) (setting out the requirements for serving the United States).

The Plaintiffs' affidavit in support of their Motion to Compel does not establish that the complaint was served on the United States Attorney for the Eastern District of Missouri as required by the Federal Rules of Civil Procedure.

As a result, the Plaintiffs shall show cause no later than November 30, 2010 that service was made on the United States Attorney for the Southeastern District of Missouri.

Dated this 15th day of November, 2010.


RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE